

Minutes of the Board of Public Works Meeting of August 3, 2009

A regular meeting of the Board of Public Works was held on Monday, August 3, 2009 at 3:30 p.m. at the Division of Public Works Administration and Engineering Office conference room, 9 Riverside Street, Nashua, NH 03062.

Members Present

Mayor Donnalee Lozeau, Chair
Tim Lavoie, Vice Chair
Daniel Gagnon, Commissioner
Don Dyer, Commissioner

Leon Kenison, P.E., Director of Public Works
Steve Dookran, P.E., City Engineer
Scott Pollock, Superintendent, Street Department
Jeanne Walker, Manager, Engineering D
Kerry Converse, Environmental Engineer, Solid Waste
David Fredette, Interim Director
Kathie Berube, DPW Administrative Assistant III

David Deane, Alderman at Large, BPW Liaison
Jamie McNamee, Esquire, Corporation Council
Michael Gilbar, CFO

Chair Lozeau opened the meeting at 3:35 and stated that all Commissioners were present

I. Motion: To approve the Agenda as presented.

MOTION: Commissioner Pappas to approve the Agenda as presented.

SECONDED: Commissioner Dyer.

MOTION CARRIED: Unanimously.

II. Motion: To approve the Minutes of the Board of Public Works Meeting of July 13, 2009.

MOTION: Commissioner Gagnon the Minutes of the Board of Public Works Meeting of July 13, 2009.

SECONDED: Commissioner Dyer.

MOTION CARRIED: Unanimously.

III. Public Comment- N/A

IV. Aldermanic Referrals- N/A

V. Administration

A. Motion: To approve the Collective Bargaining Agreement between the Board of Public Works of the City of Nashua, New Hampshire and the American Federation of State, County and Municipal Employees (A.F.S.C.M.E.), AFL-CIO, Local 365 for the period of July 1, 2006 through June 30, 2011 as proposed at the Board of Public Works Meeting of July 13, 2009 along with the additional changes to the following items; Appendix F, Appendix A-payments and Article 10H.

MOTION: Commissioner Gagnon to approve the Collective Bargaining Agreement between the Board of Public Works of the City of Nashua, New Hampshire and the American Federation of State, County and Municipal Employees (A.F.S.C.M.E.), AFL-CIO, Local 365 for the period of July 1, 2006 through June 30, 2011 as proposed at the Board of Public Works Meeting of July 13, 2009 along with the additional changes to the following items; Appendix F, Appendix A-payments and Article 10H.

SECONDED: Commissioner Lavoie.

Chair Lozeau asked that Jamie McNamee, Esquire review the changes submitted for approval of the proposed AFSCME Local 365, Collective Bargaining Agreement.

Commissioner Dyer stated that he would abstain because his son is a member of the AFSCME Local 365.

ABSTAINED: Commissioner Dyer.

IN FAVOR: Chair Lozeau.

IN FAVOR: Commissioner Lavoie

IN FAVOR: Commissioner Gagnon.

OPPOSED: Commissioner Pappas.

MOTION CARRIED: Majority.

Chair Lozeau introduced and welcomed Leon Kenison, Director of Public Works.

B. Motion: To approve the Collective Bargaining Agreement between the Board of Public Works of the City of Nashua, New Hampshire and the United Auto Workers, (UAW) Local 2232 Clerical and Technical and Professional Units for the period of July 1, 2009 to June 30, 2011.

MOTION: Commissioner Dyer to approve the Collective Bargaining Agreement between the Board of Public Works of the City of Nashua, New Hampshire and the United Auto Workers, (UAW) Local 2232 Clerical and Technical and Professional Units for the period of July 1, 2009 to June 30, 2011.

SECONDED: Commissioner Gagnon.

Attorney McNamee reviewed and discussed the agreed changes in the Collective Bargaining Agreement between the UAW Professional and Clerical/Technical units and the City of Nashua.

MOTION CARRIED: Unanimously.

Chair Lozeau stated that she had requested Attorney McNamee to be present for the discussion pertaining to moving the Parking Department to the Community Development Division, under Transit.

C. Informational: Discussion on options related to creating a Transportation Department within Community Development Division, which will include a Parking group. Direct Employee Transfer - Borrowed labor- Over Time issues.

Chair Lozeau informed the board that the consensus was to move the Parking Department, from the Traffic Department to the Community Development Division under Transit but that there were decisions that needed to be resolved first.

Mayor Lozeau and Attorney McNamee informed the board that the Parking Department has one AFSCME employee, who is in the BPW retirement system and has worked for the City for 22 years. They discussed that they must decide whether to terminate that position or make it a UAW position or a borrowed labor position.

Attorney McNamee stated that there have been preliminary discussions with the union regarding this position.

Chair Lozeau asked if there were any objections moving forward with this reorganization and then informed them that legislation would be forthcoming to the Board of Aldermen and to the Board of Public Works regarding the change over.

The board concurred.

VI. Street Department

A. Motion: To approve the extension of the contract for winter sand for the winter of 2009-2010, to the low bidder, Pembroke Sand and Gravel, 619 Sand Road, Pembroke, NH 03275. Price for the material is \$9.90/ ton delivered to Nashua or \$3.50 per ton at the location of the source. Funding for this contract is found in the FY 2010 Operations budget in account #553-45265-7163-00 in the amount of \$34,000.

MOTION: Commissioner Pappas to approve the extension of the contract for winter sand for the winter of 2009-2010, to the low bidder, Pembroke Sand and Gravel, 619 Sand Road, Pembroke, NH 03275. Price for the material is \$9.90/ ton delivered to Nashua or \$3.50 per ton at the location of the source. Funding for this contract is found in the FY 2010 Operations budget in account #553-45265-7163-00 in the amount of \$34,000.

SECONDED: Commissioner Gagnon.

MOTION CARRIED: Unanimously.

VII. Wastewater Treatment Facility

A. Motion: To approve the User Fee Warrants as presented

MOTION: Commissioner Dyer to approve the User Fee Warrants as presented.

SECONDED: Commissioner Gagnon.

MOTION CARRIED: Unanimously.

VIII. Engineering Department

A. Motion: To approve the Residential Wastewater Service Permits and Fees as submitted.

MOTION: Commissioner Dyer to approve the Residential Wastewater Service Permits and Fees as submitted.

SECONDED: Commissioner Pappas.

MOTION CARRIED: Unanimously.

B. Motion: To allow the City to award a construction contract for the Haines Street Sewer Separation ARRA project in an amount not to exceed the budget of \$1.3 million. Funding for this contract is available in #792-59232-3742 – Sewer Construction, Haines Street Sewer Separation. Award of contract is contingent upon approval by the Mayor and Finance Committee and Board of Aldermen if greater than \$1 million.

MOTION: Commissioner Pappas to allow the City to award a construction contract for the Haines Street Sewer Separation ARRA project in an amount not to exceed the budget of \$1.3 million. Funding for this contract is available in #792-59232-3742 – Sewer Construction, Haines Street Sewer Separation. Award of contract is contingent upon approval by the Mayor and Finance Committee and Board of Aldermen if greater than \$1 million.

SECONDED: Commissioner Gagnon.

MOTION CARRIED: Unanimously.

C. Motion: To allow the city to award a contract for the preliminary design of the storage facilities in an amount estimated at \$575,000.00. Funding is available under account number 792-53030-3876, Professional Services – Storage Tanks. **Award of this contract is contingent upon the Mayor and Finance Committee approval.**

MOTION: Commissioner Gagnon to allow the city to award a contract for the preliminary design of the storage facilities in an amount estimated at \$575,000.00. Funding is available under account number 792-53030-3876, Professional Services – Storage Tanks. **Award of this contract is contingent upon the Mayor and Finance Committee approval.**

SECONDED: Commissioner Pappas.

A discussion was had regarding the project and the scope of services.

Alderman Deane suggested that “not to exceed \$575, 000” become part of the motion.

Commissioner Gagnon amended the motion to state “not to exceed \$575,000.”

The board concurred.

MOTION CARRIED: Unanimously.

D. Motion: To allow the City to award a construction contract for the Sidewalk and Pedestrian Safety Improvements Program in an amount not to exceed the budget of \$220,500. Funding is available in:

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
#653-20	Capital Improvements, FY 2008 Sidewalk Program	\$181,540
#951-00000-5365	ETF E. Hollis Pedestrian Safety Improvements	\$2,765
#655-08	Cap Imp Pedestrian Safety Improvements	\$27,695
#353-07010-6516	SRF Sidewalk Const., North Southwood Drive Extension	\$8,500

Award of Contract is contingent upon the Mayor and Finance Committee approval, as well as approval of Resolution R-09-211.

MOTION: Commissioner Pappas to allow the City to award a construction contract for the Sidewalk and Pedestrian Safety Improvements Program in an amount not to exceed the budget of \$220,500.

SECONDED: Commissioner Lavoie.

OPPOSED: Commissioner Dyer.

MOTION CARRIED: Majority.

E. Motion: To award a professional services contract to Hayner/Swanson, Inc. in the amount not to exceed \$145,740.00 for project management services related to project development planning. Funding is available under account number #753-53075-0-3740, Broad Street Parkway Construction Project.

MOTION: Chair Lozeau to award a professional services contract to Hayner/Swanson, Inc. in the amount not to exceed \$145,740.00 for project management services related to project development planning. Funding is available under account number #753-53075-0-3740, Broad Street Parkway Construction Project.

SECONDED: Commissioner Lavoie.

Aldermanic Liaison Dean asked if a Request for Qualifications was advertised for the professional services contract.

Chair Lozeau replied that there was not a RFQ but that the committee overseeing the project determined that the project needed a manager. She added that two options were explored; to have

an internal individual or city staff employee manage the project, or the other being a company to provide the services.

She stated that what was decided was to hire a company with a more specific scope of services than before so instead of hiring a manager for the life of the project they would look at hiring a project manager for the different components of the project.

IN FAVOR: Commissioner Gagnon, Lavoie & Lozeau.

OPPOSED: Commissioner Dyer.

OPPOSED: Commissioner Pappas.

MOTION CARRIED: Majority.

F. Informational: Update on Paving Program Status.

A discussion was had regarding the Paving Program.

G. Informational: Update on Stormwater and Drainage Program.

A discussion was had regarding the Stormwater and Drainage Program.

IX. Solid Waste Department

Motion: To approve the procurement and installation of additional 40-mil HDPE cover sheeting in the amount of \$29, 500. Funding for this change order is located in account #791-01310-3788.

MOTION: Commissioner Pappas to approve the procurement and installation of additional 40-mil HDPE cover sheeting to Terrafox Environmental USA, Inc. in the amount of \$29, 500. Funding for this change order is located in account #791-01310-3788.

SECONDED: Commissioner Gagnon.

A handout was given with the corrected amount to the motion.

AMENDED MOTION: Commissioner Pappas to approve the procurement and installation of additional 40-mil HDPE cover sheeting to Terrafox Environmental USA, Inc. in the amount of **\$25, 900**. Funding for this **change order** is located in account #791-01310-3788.

SECONDED: Commissioner Lavoie.

A discussion was had regarding the cover sheeting.

MOTION CARRIED: Unanimously.

Chair Lozeau asked newly appointed Director Kenison to brief the board of his background.

Director Kenison informed the board that he has worked 37 years as an engineer at the New Hampshire Division of Transportation and also with public works projects and airports. He then retired for 5 months but decided that wasn't what he wanted to do at that point in his life. He then went to work at a municipal consulting firm and worked on public works facilities then he worked as the interim City Manager for Lebanon and Town Administrator for both Pittsfield and Hopkinton. He added that he was currently finishing up his 9th year as a selectman in Bow.

X. Director's Report

Director Kenison reviewed and discussed the Director's Report with the Board.

IX. Commissioners Comments

Commissioner Pappas wished a Happy Birthday to Commissioner Dyer.

Commissioner Pappas thanked David Fredette for residing as Interim Director for the Division.

Chair Lozeau informed the board that she has hired a new Citistat Director named Susan Valaitis.

Commissioner Pappas stated that she has witnessed people not wearing hard hats or using proper safety equipment at work sites.

Mayor Lozeau informed the board that an inspector from the New Hampshire Department of Labor and Safety has been around to the municipal buildings doing inspections.

Chair Lozeau mentioned that the City was currently looking into some noise issues at Greeley Park.

Commissioner Gagnon inquired about the American Defenders and asked if they were currently up to date with their payment arrangements with the City.

Chair Lozeau stated that Treasurer Fredette had made a payment arrangement with them and they were up to date.

Treasurer Fredette said they had made 3 payments.

Commissioner Dyer stated that he wants to close Holman Stadium from October through April and would like it discussed at the next meeting of the board.

X. Non-Public – If applicable- N/A

MOTION: Chair Lozeau to adjourn at 5:18 p.m.

SECONDED: Commissioner Dyer.

MOTION CARRIED: Unanimously.

*Transcribed by
Kathie Berube, DPW Administrative Assistant III*